

**WARREN COUNTY BOARD OF SUPERVISORS
SPECIAL BOARD MEETING
TUESDAY, APRIL 29, 2008**

**NOTICE OF SPECIAL MEETING
TO THE MEMBERS OF THE BOARD OF
SUPERVISORS OF WARREN COUNTY:**

You are hereby notified that, I, FREDERICK H. MONROE, Chairman of the Board of Supervisors of the County of Warren, pursuant to the power vested in me by Rule A.3 of the Rules of the Board of Supervisors, hereby call and convene a special meeting of the Board of Supervisors of Warren County to be held in the Supervisors' Room in the Warren County Municipal Center, Town of Queensbury, New York, on Tuesday, April 29, 2008 at 9:00 a.m., for the purpose of considering, and if determined by the Board to be appropriate, voting on, or otherwise taking action on, the following matters:

1. To approve Supplemental Agreement No. 3 with Clough, Harbour & Associates, LLP, in the amount of Fifty-Seven Thousand Dollars (\$57,000), for additional design services associated with the Warren County Scenic Rail Stations Improvements (PIN 1755.91) Project; and
2. To conduct such other business as may properly come before the Board of Supervisors.

The Clerk of the Board of Supervisors is hereby directed to call for the meeting and give written notice to all members of the Board of Supervisors of such meeting.

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 9:00 a.m.

Mr. Frederick Monroe presiding.

Salute to the flag was led by Supervisor Belden.

Roll called, the following members present:

Supervisors Simmes, Monroe, Girard, Sheehan, Taylor, Kenny, Belden, Bentley, Goodspeed, Tessier, Stec, Strainer, Champagne, Sokol, Thomas, Haskell, and Geraghty - 17.

Absent: Supervisors O'Connor, Merlino and VanNess - 3.

Chairman Monroe explained that the purpose of the Special Board meeting was to reconsider the resolution concerning the design services for the rail stations and further noted that there was an issue in which the County would be required to repay an awarded grant if the stations were not made functionally complete, which would involve over \$900,000.

Mr. Belden clarified that the stations in the Town of Thurman and the Town of Hadley would only be platforms with roofs, not actual stations. Chairman Monroe added there were time

issues involved with the project as well. He stated there was a looming deadline of Friday, May 2, 2008 to approve the design plans for the stations, or the County would risk not being able to complete the project in a timely manner and therefore could be required to repay the grant funds.

Mr. Kenny questioned if the \$57,000 was for the design of the platforms, the design of the buildings or for both. Mr. Haskell replied the \$57,000 would cover the cost of the design of the platforms to make the stations functionally complete. He added that the County had already paid for the design of the stations; however, he said, those plans were abandoned due to the removal of funding from the State. He noted the County had the funds to construct the platforms, not the funds to construct full rail stations.

Chairman Monroe advised a motion was needed to bring Resolution Nos. 303 through 305 to the floor. Motion was made by Mr. Haskell, seconded by Mr. Bentley and carried unanimously to bring Resolution Nos. 303 through 305 to the floor.

Paul Dusek, County Attorney, entered the meeting at 9:08 a.m.

Mr. Taylor asked if the County would definitely lose the grant funds if the \$57,000 for the design plans was not approved today. Mr. Dusek responded the risk was very real and added that when a grant agreement was not fulfilled, the State would require that the awarded funds be returned.

Mr. Kenny questioned why the County would lose the entire grant funds considering that the other obligations of the grant had been met. Mr. Dusek explained that this was a grant for \$2 million to build rail stations and the local share of the grant was \$500,000. He continued, and noted the agreement with the State had been signed and the County expended \$1.2 million on the project to date. If the project stopped now, he said, the State would question what the \$1.2 million was spent on and would require the County to return the remaining \$800,000, as well as the \$1.2 million that had already been spent because the County did not fulfill the terms of the agreement. Mr. Dusek apprised once a contract was signed, the commitment was made.

Mr. Kenny asked if the County was now obligated to construct rail stations and Mr. Dusek replied the obligation was to undertake the project that had been promised through the grant agreement and the State had agreed that it was acceptable to do the two-part station concept, and to make the stations functionally complete by constructing platforms.

Mr. Taylor reiterated that \$1.2 million had been spent to date, including the \$700,000 for the design plans and he wondered what the funds had been spent on considering no work had been done at the stations yet. William Lamy, DPW Superintendent, explained a more accurate figure of funds expended to date was \$1.175 million, of which \$940,000 were grant funds that had either been reimbursed or the County had submitted requests for reimbursement. He further stated that left the County's contribution at \$235,000, of which \$71,000 had been allocated from the General Fund in order to put funds toward that \$235,000. The remaining \$164,000, he said, that would bring the County up to date with the local share, was to be funded by the issuance of a BAN (Bond Anticipation Note) to cover the full local share of \$500,000 that was required. Mr. Lamy listed what the funds had been spent on to date as follows: \$355,000 on

the design report and the Eminent Domain Public Proceeding to acquire ROW (Right of Way); \$50,000 to the ROW consultant and \$381,445 on the actual purchase of ROW.

Mr. Lamy informed the board members that it was customary that as the scope of a project changed, as was the case with the rail station project, that the client (engineers) was requested to provide a supplemental work authorization to accommodate those needs. He advised that the Department of Transportation (DOT) had agreed that as long as the stations were functionally complete in order for people to access the train, with minimal amenities, the County's obligation made through the signing of the grant would be fulfilled.

Mr. Taylor asked if the platforms would be structurally sound to construct a full station in the future if additional funds were awarded and Mr. Lamy replied affirmatively. Mr. Lamy clarified the time line of the project was that the bids must be awarded by September 15, 2008, which was the date in the federal fiscal year that the 2007-2008 books would be closed, and if that did not happen, the funds would be de-obligated and would lapse, meaning the funds would be gone forever, which was consistent with the Federal Law that created them.

Mr. Kenny requested a roll call vote on Resolution No. 305, Authorizing Supplemental Agreement No. 3 with Clough, Harbour & Associates, LP for Additional Design Services Associated with the Warren County Scenic Rail Station Improvements (PIN 1755.91) Project.

Chairman Monroe called for a vote on the resolutions.

Resolution Nos. 303 through 305 were approved.

There being no further business, on motion by Mr. Belden and seconded by Mr. Sokol, Chairman Monroe adjourned the meeting at 9:42 a.m.